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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAMERON BELL,

Defendant.

Case No. 2:15-CR-54 JCM (CWH)

**Government's Motion to Extend Time
to File Response to Defendant's
Motion to Vacate Sentence
(First Request)**

Certification: This motion is timely.

On November 15, 2018, the Court ordered the government to respond, within 14 days, to Bell's motion to vacate sentence, which Bell filed on August 20, 2018. *See* ECF No. 173 (order); 171 (motion). Pursuant to Local Rules IA 6-1 and 26-4, the government requests an addition 21 days, to and including December 20, 2018, to file its response. In support of this motion, undersigned counsel states the following:

1. Bell was convicted at trial in July 2016 of unlawful possession of a firearm in violation of 18 U.S.C. 922(g)(1). ECF No. 120. Bell appealed, and in March 2018 the court of appeals affirmed. ECF No. 162.
2. On August 20, 2018, Bell filed a timely motion to vacate sentence under 28 U.S.C. § 2255. ECF No. 171. As the federal rules direct, the government took no action on that

1 motion, instead waiting for the Court to determine whether a government response was
2 necessary. *See* Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United
3 States District Courts (directing the judge to conduct an initial review and dismiss the
4 motion if the movant is plainly not entitled to relief, and further directing that “[i]f the
5 motion is not dismissed, the judge must order the United States attorney to file an answer,
6 motion or other response within a fixed time, or to take other action the judge may order”);
7 *id.*, Rule 5(a) (“The respondent is not required to answering the motion unless a judge so
8 orders.”).

9 3. On November 15, 2018, the Court issued an order directing the government to file a
10 response to Bell’s motion. ECF No. 173. The Order directs the government to file its
11 response within 14 days. *Id.*¹

12 4. Undersigned counsel is the chief of the U.S. Attorney’s office’s appellate division,
13 which is responsible for the office’s appellate and post-conviction litigation. In the best of
14 circumstances, responses to Section 2255 motions generally take between 30 and 45 days to
15 prepare (longer if affidavits from trial counsel are necessary). Now, however, the appellate
16 division is currently one person short of its usual five-member complement; it will be back to
17 full strength in mid-December 2018. As a result, the four attorneys in the division have
18 taken on additional work. In addition, one of the attorneys is on pre-scheduled annual leave
19 all this week; and undersigned counsel will be on a pre-scheduled annual leave from

21 ¹ The order notes that Bell filed a motion, and that “[t]he government has not filed a
22 response.” *Id.* To the extent his suggests the Court believes the government has been
23 derelict, the government apologizes for any misunderstanding, but respectfully notes that, as
24 quoted above, the Rules explicitly provide that the government is not required to file a
response until the Court orders it to do so. Because judges in this district frequently
determine in their initial review of a 2255 motion that certain grounds should be dismissed,
and thus direct the government to respond to only some of the grounds in a motion, it is our
office’s practice not to respond until receiving direction from the Court.

1 Thanksgiving through December 2, 2018. Finally, although undersigned counsel usually
2 assigns 2255 motions to the appellate attorney who handled the direct appeal, in this case
3 that attorney is no longer with the appellate division, so the appellate division attorney to
4 whom this motion is assigned will need additional time to review the record and familiarize
5 himself or herself with this case, in particular because parts of Bell's motion are hard to
6 decipher and somewhat cryptic in their allegations.

7 For all these reasons, undersigned counsel believes the government will need an an
8 additional 21 days, to and including December 20, 2018, to file its response to Bell's motion.

9 WHEREFORE, based on the foregoing, the government respectfully requests an
10 extension to and including December 20, 2018, to file its response to Bell's motion.

11 Dated this 20th day of November, 2018.

12 DAYLE ELIESON
13 United States Attorney

14 *s/Elizabeth O. White*
15 ELIZABTH O. WHITE
16 Appellate Chief and
17 Assistant United States Attorney
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1 **CERTIFICATE OF SERVICE**

2 I certify that on November 20, 2018, I electronically filed the foregoing Government's
3 Motion with the Clerk of the Court by using the CM/ECF system. I also caused a copy of
this motion to be sent to the defendant at the following address:

4 Cameron Bell
5 Reg. # 49789-048
6 USP Victorville
U.S. PENITENTIARY
P.O. BOX 3900
ADELANTO, CA 92301

7
8 *s/ Elizabeth O. White*
9 ELIZABETH O. WHITE
10 Appellate Chief and
Assistant United States Attorney
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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 CAMERON BELL,

7 Defendant.

Case No. 2:15-CR-54 JCM (CWH)

Order

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10 Based upon the pending motion of the government, and good cause appearing,

11 **IT IS HEREBY ORDERED** that the government shall have until December 20,
12 2018, to file its response to Defendant Cameron Bell's Section 2255 motion.

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14 DATED December 4, 2018.

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16 *James C. Mahan*
17 UNITED STATES DISTRICT JUDGE
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